

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DANIEL B. O'KEEFE,  
CELESTE A. FOSTER O'KEEFE,  
AND THE DANCEL GROUP, INC.**

**PLAINTIFFS**

**VS.**

**CAUSE NO. 1:08cv600-HSO-LRA**

**STATE FARM FIRE & CASUALTY  
COMPANY and MARSHALL J. ELEUTERIUS and  
JOHN AND JANE DOES A, B, C, D, E, F, G and H**

**DEFENDANTS**

**CONSENT MOTION FOR ADDITIONAL TIME**

COME NOW the Plaintiffs, by and through undersigned counsel, and file herewith their Motion for Extension of Time to respond to Defendant, Marshall Eleuterius's Motion [314] for Summary Judgment and Memorandum Brief [315] in Support of Motion for Summary Judgment and in support thereof would show the Court as follows:

1. The Court recently granted a continuance in this matter and an extension of the discovery deadline due to unforeseen personal circumstances of counsel for Plaintiffs. Pursuant to the revised Scheduling Order, trial of this matter is currently scheduled for the three week trial calendar that begins on June 7, 2010. Discovery is currently set to conclude on January 15, 2010, and dispositive motions are currently due January 29, 2010. A settlement conference has been scheduled before the Honorable Linda Anderson for the morning of December 4, 2009.

2. Defendant, Marshall Eleuterius' Motion for Summary Judgment was filed on November 5, 2009. Plaintiffs' Response to Eleuterius' Motion is currently due November 25, 2009. Due to the same circumstances which counsel for the Plaintiffs requested a continuance in this cause, Plaintiffs have not had the opportunity to consider or begin to prepare a response to the Motion for Summary Judgment. Plaintiffs respectfully request an additional ten (10) working days to file their Response to Defendant, Eleuterius' Motion for Summary Judgment.

3. Counsel for State Farm and Eleuterius have authorized counsel for Plaintiffs to represent Defendants' consent, as set forth herein, to the Court.

4. This Motion is not being filed for the purpose of delay, but rather is being filed due to unforeseen circumstances beyond the Plaintiffs' control; and to promote the interests of the proper administration of Justice in this cause.

5. This motion is being filed in a timely manner, prior to the currently scheduled close of discovery in this cause.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request the Court enter an Order Granting Plaintiffs' Motion for Additional time to Respond to Marshall Eleuterius's Motion [314] for Summary Judgment and Memorandum Brief [315] in Support of Motion for Summary Judgment, and extending the deadline for filing a response until Friday, December 11, 2009.

Respectfully submitted, this the 20<sup>th</sup> day of November, 2009.

**DANIEL B. O'KEEFE, CELESTE A. FOSTER  
O'KEEFE, AND THE DANCEL GROUP, INC.,  
PLAINTIFFS**

By: /s/ Christopher C. Van Cleave  
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**CERTIFICATE OF SERVICE**

I, undersigned counsel of record, hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the EFC system which sent notification of such filing to the following:

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**Attorneys for State Farm Fire & Casualty Company  
And Marshall J. Eleuterius**

Respectfully submitted, this the 20<sup>th</sup> day of November, 2009.

DANIEL B. O'KEEFE, CELESTE A. FOSTER  
O'KEEFE, AND THE DANCEL GROUP, INC.,  
PLAINTIFFS

By: /s/ Christopher C. Van Cleave

CHRISTOPHER C. VAN CLEAVE (MSB #10796)